

ROSS MILLER

Secretary of State

STATE OF NEVADA



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**OFFICE OF THE
SECRETARY OF STATE**

KATE THOMAS

*Deputy Secretary
for Operations*

February 2, 2009

Mr. Lorne Malkiewich, Director
Nevada Legislative Counsel Bureau
401 South Carson Street
Carson City, NV 89701

Dear Mr. Malkiewich:

Pursuant to Nevada Revised Statutes ("NRS") 293.4695, the Secretary of State hereby submits the following report on the election processes for the 2008 Election cycle to the Nevada Legislature. Contained in the report is a summary chart overview of the 17 counties. This chart is followed by a more detailed analysis of the issues identified in NRS 293.4695 and separated by county.

As this is the first session in which this report is to be submitted to the Nevada Legislature, the Secretary of State's office encountered several issues in preparing this report following the 2008 General Election which prevented the timely submission of this report. Some of these issues include the completion of the statewide canvass of votes, re-votes in two counties for local races, conducting the Electoral College vote, County audits, and vendor contractual reporting obligations. We hope to be able to resolve these issues during the 2009 Legislative Session in order to provide you with the most accurate and up-to-date information possible.

I trust this information will be useful to you. Please do not hesitate to contact me at 775/684-5705 if you have any questions regarding this report.

Sincerely,
ROSS MILLER
Secretary of State

By: 
Matthew M. Griffin
Deputy Secretary for Elections

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2008 GENERAL ELECTION REPORT TO THE NEVADA LEGISLATURE STATEWIDE OVERVIEW

COUNTY	MAIL BALLOTS NUMBER OF MAIL BALLOTS REJECTED	MAIL BALLOTS REASONS WHY REJECTED	MAIL BALLOTS DESCRIPTION OF COMPLAINTS REGARDING MAIL BALLOTS AND RESOLUTION	VOTING MACHINES For Each Machine That Malfunctioned, List:	VOTING MACHINES For Each Machine That Malfunctioned, List:	VOTING MACHINES For Each Machine That Malfunctioned, List:	VOTING MACHINES For Each Machine that Malfunctioned, List:	POLLING PLACES LIST EACH POLLING PLACE NOT OPEN 7AM-7PM	POLLING PLACES REASON POLLING PLACE NOT OPEN 7AM-7PM	PROVISIONAL BALLOTS NUMBER CAST AND REASONS CAST	PROVISIONAL BALLOTS NUMBER ACCEPTED AND REASONS REJECTED	POST ELECTION AUDIT RESULTS OF VVPAT POST ELECTION AUDIT (NAC 293,259)	CHALLENGES EACH CHALLENGE OF A VOTER'S ELIGIBILITY (NRS 293.309) AND THE RESULT
CARSON CITY	Rejected: 124 Rejected and reissued or voted in person: 82	Too Late: 18 Moved: 1 Surrendered: 63 Deceased: 5 No signature: 6 Lost/reissued: 10 Spoiled/reissued: 9 Signature does not match: 3 Returned Bad address: 5, Signed ballot: 3 Voter punched out choices: 1	None	Early voting: 1, voter card slot broke Election Day: 2 bad screens Total: 3	Didn't fix, had plenty of machines available	Most of the day	No effect	None	n/a	Total 32 31 not registered to vote in Carson City. 1 did not mail AB	1 accepted 31 Not Registered	4 Edges audited, 100% Accurate	None
GARDEN VALLEY	1	No Signature	None	1 – Suspected Static	Turned off	2 hours	Closed 1 (of 10) machine the last 2 hours on last day of early voting	None	n/a	13	0 Accepted 13 Rejected Not Registered	100% Accurate	None
CLARK	554 See attached	See attached	A few voters called stating they did not receive their ballot. First ballot was cancelled in system. Another ballot was issued to voter	See attached	See attached	See attached	See attached	Mountain View Elementary	Card activator was not programmed with the correct tie and the Team Leader failed to follow the steps to re- program	5,427 Total Cast Reason Cast: Wrong polling place, not registered, or did not have ID	Accepted 2,315 Rejected 3,112 2,625 rejected because not registered 40 rejected because failed to provide ID 447 rejected because wrong congressional district	100% Accurate See attached	None
DOUGLAS	24	See attached	See attached	4 screen failures	Service – Post election	Until next election	Unknown	None	n/a	10 See attached	1 See attached	100% Accurate	None
ELKO	9 Ballots	(1)-see attached	(2)-see attached	(3)-see attached	(4)-see attached	(5)-see attached	Minimal effect	None	n/a	(6)-see attached	(7)-see attached	100% Accurate	None
ESMERALDA	0	n/a	None	0	0	0	0	None	n/a	0	n/a	100% Accurate	None
EUREKA	76	See attached	3 complaints – see attached	Would not record vote	Powered off, voted another machine	8 early voting days	No effect	None	n/a	None	n/a	100% Accurate	None

STATEWIDE OVERVIEW

[illegible]

2008 GENERAL ELECTION
REPORT TO THE NEVADA LEGISLATURE
STATEWIDE OVERVIEW

CARSON CITY ADDENDUMS

This office had a high volume of complements regarding the voting process in Carson City. Voters commented on the voting equipment, and the overall election process. Voter's confidence in the voting equipment was very positive considering all the bad press and misunderstanding of the electronic voting equipment. Even the Observers at the polling places were impressed with the election process.

The only negative comments we received from voters was that we didn't request to see an ID from them, and questioned why proof of citizenship wasn't required for new citizens.

We also had 127 ballots to duplicate from 4 faxed ballots, 4 federal write-in ballots, and 116 miscellaneous voter errors.

CLARK COUNTY ADDENDUMS

2008 General Election – Clark County Mail Ballots Report

Rejected Mail Ballots and Reason

- 1 Voter cancelled
- 2 Voter is deceased
- 8 Envelope returned open
- 10 Envelope returned without a ballot
- 23 Ballot is indentified
- 139 Signature did not match
- 371 Voter did not sign ballot

554 Total rejected ballots

Type of Malfunction	# of Failures	Remedy for Malfunction	Length of Time Out of Service	Effect on Election Process
Smart Card Reader Assembly	6	Check functionality of reader assembly, determine whether it was a loose connection or a bad part – repair unit	Machine still functional, however, only in manual mode	None – sufficient machines assigned to handle voter turnout
Power Supply Assembly	2	Determine whether problem lies in the board assembly or a blown fuse – repair unit	Machine repaired and put back into service for the day	None – sufficient machines assigned to handle voter turnout
CPU Assembly	5	Two issues encountered – (1 st) printer interface failed on CPU causing VVPAT to print illegible reports – (2 nd) Critical failure on CPU prevented closing of the polls, however, cartridge still read into WinEDS – Both CPUs will be replaced to	The 1 st failure resulted in the machine being taken out of service early in the morning and remained out of service for the remainder of the day – The 2 nd failure did not cause a problem until 7 pm when the team	None – sufficient machines assigned to handle voter turnout

2008 GENERAL ELECTION
REPORT TO THE NEVADA LEGISLATURE
STATEWIDE OVERVIEW

		correct the errors	leader attempted to close the polls, it was in use all day.	
Pollworker LCD Assm	5	Replace Pollworker LDC Assm	Machine still functional throughout the day – data displayed on LCD also available on front of Edge (touchscreen)	None – sufficient machines assigned to handle voter turnout

Total 18

Post Election Audit attachment only in hardcopy.

DOUGLAS COUNTY ADDENDUMS

MAIL BALLOTS
Reasons Why Mail Ballots Rejected
Not signed = 16
Signature doesn't match
Per Counting Board = 2
ID not included = 5
No power of attorney
Enclosed = 1

Complaints in hard copy only

PROVISIONAL VOTING

Provisional Voter List – Douglas County – General Election 2008

Voter Tag #	Code	County	Explanation
000008415	2	Douglas	No registration record
000008423	2	Douglas	No registration record
000008409	2	Douglas	No registration record
000008419	2	Douglas	No registration record
000008414	2	Douglas	No registration record
000008427	2	Douglas	No registration record
000008434	2	Douglas	No registration record
000008428	2	Douglas	No registration record
000008439	2	Douglas	No registration record
000008416	2	Douglas	Counted
			No registration record

ELKO COUNTY ADDENDUMS

2008 GENERAL ELECTION
REPORT TO THE NEVADA LEGISLATURE
STATEWIDE OVERVIEW

1-Reasons for Rejected Mail Ballots:

- No signature, signature did not match or deceased voter.

2-Complaints Regarding Mail Ballots:

- Address and signature visible on outside of envelope.
 - Resolution:
 - Ordered new envelopes.

3-Voting Machine Malfunctions:

- #51857-Printer problems during early voting.
- #46994-Problems printing Results Report.
- #32538-Voter cards sticking in machine on Election Day.

4-Voting Machine Remedies:

- #51857-Closed down machine-Sequoia scheduled to repair machine on 12/16/08.
- #46994-Printed Results Report from cartridge-Sequoia scheduled to repair machine on 12/16/08.
- #32538-Closed down machine- Sequoia scheduled to repair machine on 12/16/08.

5-Length of Time Machine Out of Service:

- #51857-11 days of early voting.
- #46994-0 days.
- #32538-1 day.

6-Number of Provisional Ballots Cast and Reasons:

- 31 ballots cast due to name not appearing on voter registration list.

7-Number of Provisional Ballots Accepted and Rejected and Rejection Reasons:

- 15-Accepted.
- 16-Rejected-Voters not registered.

EUREKA COUNTY ADDENDUMS

Reasons mailed ballots were rejected:	53
Returned to sender – undeliverable:	
Surrendered – did not wish to vote:	1

2008 GENERAL ELECTION
REPORT TO THE NEVADA LEGISLATURE
STATEWIDE OVERVIEW

No signature or invalid signature:	4
No ID or proof of residency:	13
Returned ballot – voter deceased:	3
Surrendered to early vote:	1
Returned for replacement (mistake on ballot):	1

Description of complaints re: mailed ballots & remedy:
One ballot reported lost in mail; it was replaced & original ballot number was noted so it would not be counted.
Two ballots mailed to incorrect address: for one, replacement ballot sent to correct address via express mail (original ballot was returned by daughter of voter); for second one, voter was able to retrieve and vote ballot.

LYON COUNTY ADDENDUMS

Mail Ballots Rejected and Reasons

PRECINCT	NOT SIGNED	NO ID PROVIDED	SIGNATURE NO MATCH	NOT COMPLETED PROPERLY	TOTAL
1					0
2					0
3					0
4					0
5		1			1
6		1			1
7			1		1
8					0
9		1			1
10					0
11		1			1
12			1		1
13		1			1
14		1			1
15		1			1
16		0			0
17		3			3
18					0

2008 GENERAL ELECTION
REPORT TO THE NEVADA LEGISLATURE
STATEWIDE OVERVIEW

19				0	
20				0	
21				0	
22				0	
23			2	2	
24		2		2	
25				0	
26				0	
27			1	1	
28				0	
29		1		1	
30				0	
31				0	
32				0	
33				0	
34				0	
35				0	
36				0	
37				0	
38				0	
39				0	
40				0	
TOTAL		13	2	3	18

Lyon County Equipment Repairs After the General Election 2008

Machine #	Polling Location	Problem	Repairs
32637	Early Vote	Shows that it is on battery even when the AC light displays in the black	Replaced batteries
32652	Early Vote	Card slot not accepting cards	Replaced card reader
32693	Fernley High School	Leg Assembly – missing one of the rubber ends of the legs	Ordered leg assembly
35983	Dayton High School	Leg Assembly – the pegs are broken off one of the legs	Ordered leg assembly
35993	Dayton High School	Card slot not accepting cards	Serviced by Sequoia, no trouble found
35995	Dayton High School	Card slot not accepting cards	Serviced by Sequoia, no trouble found
35999	Dayton High School	Touch screen problems	Serviced by Sequoia, no trouble found
51863	Casino West Convention Center	Pollworker display out	Replaced pollworker display
51871	Casino West Convention Center	Yellow screen	Replaced CPU

2008 GENERAL ELECTION
REPORT TO THE NEVADA LEGISLATURE
STATEWIDE OVERVIEW

Lyon County Provision Vote Status Report

Tag #	Vote Status	Vote Rejection Rational	Code #
A012284-001 #35972	Rejected	Not Registered	2
A009389-001 #32702	Rejected	Not Registered	2
A009545-001 #32690	Rejected	Not Registered	2
A009545-002 #32704	Rejected	Not Registered	2
A011485-001 #32710	Rejected	Not Registered	2
A011485-001 #35992	Rejected	Not Registered	2

MINERAL COUNTY ADDENDUMS

NOTES

Note 1: Received one (1) complaint (by phone) that ballot contained no instructions. Voter was informed that the instructions were located at the top of the ballot. Voter stated she was a college graduate and the instructions were insufficient.

Note 2: Edge machine #32734 – card reader malfunction.

Note 3: Printer #32735 – paper jams.

Note 2A: Edge machine #32734 – machine was shut down for remainder of Early Voting period.

Note 3A: Printer #32735 – printer was replaced with extra printer.

Note 2B: Edge machine #32734 – machine was out of service for 4 days during Early Voting period.

Note 3B: Printer #32735 – printer was out of service for approximately 4 hours.

Note 2C: Edge machine #32734 – there was no known effect on voting; other machines were available.

Note 3C: Printer #32735 – printer jams may have prevented the voter from thoroughly or accurately reviewing their ballot selections on paper.

Note 4: See attached “Canvass of Provisional Votes, Mineral County, NV” log

Note 5: See attached “Canvass of Provisional Votes, Mineral County, NV” log

2008 GENERAL ELECTION
REPORT TO THE NEVADA LEGISLATURE
STATEWIDE OVERVIEW

Note 6: See attached "Audit of Voter Verifiable Paper Trail Printers"

WASHOE ADDENDUM

Mail Ballots – Reasons rejected
Deceased, did not return ballot, mail undeliverable, moved out of county, no ID provided, no signature, signature does not match, surrendered ballot, received after election

Washoe County		Repair Done
Edge	Issue	
32918	"not operational"	fuse replaced
33000	problem not known	no trouble found during repairs
33040	"DOA would not accept votes"	no trouble found during repairs
33074	problem not known	no trouble found during repairs
33080	problem not known	no trouble found during repairs
33088	"not operational"	inverter board replaced
33092	"not operational"	no trouble found during repairs
33104	Red light - wont charge	12 volt batteries replaced
33105	problem not known	no trouble found during repairs
33106	problem not known	no trouble found during repairs
33189	problem not known	no trouble found during repairs
33208	Touch screen inop, V VPAT rubber stop missing	Wires moved, stopper replaced, casing blemish removed
33230	"never used"	no trouble found during repairs
33362	"not working during election"	no trouble found during repairs
33372	"never used"	no trouble found during repairs
33444	"machine screen malfunction"	inverter board replaced
33553	Red light - wont charge	12 volt batteries replaced

2008 GENERAL ELECTION
REPORT TO THE NEVADA LEGISLATURE
STATEWIDE OVERVIEW

33585	problem not known	no trouble found during repairs
33636	problem not known	inverter board replaced
33689	"never used"	no trouble found during repairs
33701	problem not known	no trouble found during repairs
33721	"printer error"	12 volt batteries replaced
33731	screen frozen	no trouble found during repairs
33841	"machine died"	no trouble found during repairs
33851	problem not known	no trouble found during repairs
36088	Damaged Casing	top casing replaced
36088	legs broken	legs replaced
51814	Top handle broken	handle replaced
51832	"fault 6"	Julie from Sequoia reviewing this error

CARSON CITY

MAIL BALLOTS – Number of Mail Ballots Reject	Rejected: 124 Rejected and reissued or voted in person: 82
MAIL BALLOTS – Reasons Why Rejected	Too Late: 18 Moved: 1 Surrendered: 63 Deceased: 5 No signature: 6 Lost/reissued: 10 Spoiled/reissued: 9 Signature does not match: 3 Returned Bad address: 5, Signed ballot: 3 Voter punched out choices: 1
MAIL BALLOTS – Description of Complaints Regarding Mail Ballots and Resolution	None
VOTING MACHINES – For Each Machine That Malfunctioned, List: Type of Malfunction	Early voting: 1, voter card slot broke Election Day: 2 bad screens Total: 3
VOTING MACHINES – For Each Machine That Malfunctioned, List: Remedy for Malfunction	Didn't fix, had plenty of machines available
VOTING MACHINES – For Each Machine That Malfunctioned; List: Length of Time Out of Service	Most of the day.
VOTING MACHINES – For Each Machine That Malfunctioned, List: Effect on Election Process	No effect
POLLING PLACES – List Each Polling Place Not Open 7am – 7pm	None
POLLING PLACES – Reason Polling Place Not Open 7am – 7pm	n/a
PROVISIONAL BALLOTS – Number Cast and Reasons Cast	Total 32 31 not registered to vote in Carson City. 1 did not mail AB
PROVISIONAL BALLOTS – Number Accepted and Number and Reasons Rejected	1 accepted 31 Not Registered
POST ELECTION AUDIT – Results of VVPAT POST ELECTION AUDIT (NAC 293.255)	4 Edges audited, 100% Accurate
CHALLENGES – Each Challenge of a Voter's Eligibility (NRS 293.303) and the Result	None

CARSON CITY ADDENDUMS

This office had a high volume of complements regarding the voting process in Carson City. Voters commented on the voting equipment, and the overall election process. Voter's confidence in the voting equipment was very positive considering all the bad press and misunderstanding of the electronic voting equipment. Even the Observers at the polling places were impressed with the election process.

The only negative comments we received from voters was that we didn't request to see an ID from them, and questioned why proof of citizenship wasn't required for new citizens.

We also had 127 ballots to duplicate from 4 faxed ballots, 4 federal write-in ballots, and 116 miscellaneous voter errors.

CHURCHILL COUNTY

MAIL BALLOTS – Number of Mail Ballots Reject	1
MAIL BALLOTS – Reasons Why Rejected	No Signature
MAIL BALLOTS – Description of Complaints Regarding Mail Ballots and Resolution	None
VOTING MACHINES – For Each Machine That Malfunctioned, List: Type of Malfunction	1 – Suspected Static
VOTING MACHINES – For Each Machine That Malfunctioned, List: Remedy for Malfunction	Turned off
VOTING MACHINES – For Each Machine That Malfunctioned; List: Length of Time Out of Service	2 hours
VOTING MACHINES – For Each Machine That Malfunctioned, List: Effect on Election Process	Closed 1 (of 10) machine the last 2 hours on last day of early voting
POLLING PLACES – List Each Polling Place Not Open 7am – 7pm	None
POLLING PLACES – Reason Polling Place Not Open 7am – 7pm	n/a
PROVISIONAL BALLOTS – Number Cast and Reasons Cast	13
PROVISIONAL BALLOTS – Number Accepted and Number and Reasons Rejected	0 Accepted 13 Rejected Not Registered
POST ELECTION AUDIT – Results of VVPAT POST ELECTION AUDIT (NAC 293.255)	100% Accurate
CHALLENGES – Each Challenge of a Voter's Eligibility (NRS 293.303) and the Result	None

CLARK COUNTY

MAIL BALLOTS – Number of Mail Ballots Reject	554 See attached
MAIL BALLOTS – Reasons Why Rejected	See attached
MAIL BALLOTS – Description of Complaints Regarding Mail Ballots and Resolution	A few voters called stating they did not receive their ballot. First ballot was cancelled in system. Another ballot was issued to voter.
VOTING MACHINES – For Each Machine That Malfunctioned, List: Type of Malfunction	See attached
VOTING MACHINES – For Each Machine That Malfunctioned, List: Remedy for Malfunction	See attached
VOTING MACHINES – For Each Machine That Malfunctioned; List: Length of Time Out of Service	See attached
VOTING MACHINES – For Each Machine That Malfunctioned, List: Effect on Election Process	See attached
POLLING PLACES – List Each Polling Place Not Open 7am – 7pm	Mountain View Elementary
POLLING PLACES – Reason Polling Place Not Open 7am – 7pm	Card activator was not programmed with the correct tie and the Team Leader failed to follow the steps to re-program
PROVISIONAL BALLOTS – Number Cast and Reasons Cast	5,427 Total Cast Reason Cast: Wrong polling place, not registered, or did not have ID
PROVISIONAL BALLOTS – Number Accepted and Number and Reasons Rejected	Accepted 2,315 Rejected 3,112 2,625 rejected because not registered 40 rejected because failed to provide ID 447 rejected because wrong congressional district.
POST ELECTION AUDIT – Results of VVPAT POST ELECTION AUDIT (NAC 293.255)	100% accuracy See attached
CHALLENGES – Each Challenge of a Voter's Eligibility (NRS 293.303) and the Result	None

CLARK COUNTY ADDENDUMS

2008 General Election – Clark County Mail Ballots Report

Rejected Mail Ballots and Reason

1 Voter cancelled
2 Voter is deceased
8 Envelope returned open
10 Envelope returned without a ballot
23 Ballot is indented
139 Signature did not match
371 Voter did not sign ballot

554 Total rejected ballots

Type of Malfunction	# of Failures	Remedy for Malfunction	Length of Time Out of Service	Effect on Election Process
Smart Card Reader Assembly	6	Check functionality of reader assembly, determine whether it was a loose connection or a bad part – repair unit	Machine still functional, however, only in manual mode	None – sufficient machines assigned to handle voter turnout
Power Supply Assembly	2	Determine whether problem lies in the board assembly or a blown fuse – repair unit	Machine repaired and put back into service for the day	None – sufficient machines assigned to handle voter turnout
CPU Assembly	5	Two issues encountered – (1st) printer interface failed on CPU causing VVPAT to print illegible reports – (2nd) Critical failure on CPU prevented closing of the polls, however, cartridge still read into WinEDS – Both CPUs will be replaced to correct the errors	The 1st failure resulted in the machine being taken out of service early in the morning and remained out of service for the remainder of the day – The 2nd failure did not cause a problem until 7 pm when the team leader attempted to close the polls, it was in use all day.	None – sufficient machines assigned to handle voter turnout

Pollworker LCD Assm	5	Replace Pollworker LDC Assm	Machine still functional throughout the day – data displayed on LCD also available on front of Edge (touchscreen)	None – sufficient machines assigned to handle voter turnout
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Total

18

Post Election Audit attachment only in hardcopy.

2008 General Election – Clark County Mail Ballots Report

Rejected Mail Ballots

Rejected Mail Ballots and Reason

1	Voter cancelled
2	Voter is deceased
8	Envelope Returned Open
10	Envelopes returned without a ballot
23	Ballot is identified
139	Signature did not match
371	Voter did not sign ballot

554 Total Rejected Ballots

Description of complaints regarding mail ballots and resolution:

Complaint

A few voters called stating they did not receive their ballot.

Resolution

First ballot was cancelled in system. Another ballot was issued to the voter.

2008 GENERAL ELECTION - CLARK COUNTY MACHINE ISSUES REPORT

TYPE OF MALFUNCTION	# OF FAILURES	REMEDY FOR MALFUNCTION	LENGTH OF TIME OUT OF SERVICE	EFFECT ON ELECTION PROCESS
Smart Card Reader Assembly	6	Check functionality of reader assembly, determine whether it was a loose connection or a bad part - repair unit	Machine still functional, however, only in manual mode	None - sufficient machines assigned to handle voter turnout
Power Supply Assembly	2	Determine whether problem lies in the board assembly or a blown fuse - repair unit	Machine repaired and put back into service for the day	None - sufficient machines assigned to handle voter turnout
CPU Assembly	5	Two issues encountered - (1st) printer interface failed on CPU causing vwpat to print unreadable reports - (2nd) Critical failure on CPU prevented closing of the polls, however, cartridge still read into WinEDS - Both CPUs will be replaced to correct the errors	The 1st failure resulted in the machine being taken out of service early in the morning and remained out of service for the remainder of the day - The 2nd failure did not cause a problem until 7pm when the team leader attempted to close the polls, it was in use all day.	None - sufficient machines assigned to handle voter turnout
Pollworker LCD Assm	5	Replace Pollworker LCD Assm	Machine still functional throughout the day - data displayed on LCD also available on front of Edge (touchscreen)	None - sufficient machines assigned to handle voter turnout
TOTAL		18		

2008 General Election – Clark County Polling Places Report

List each polling place not open 7AM – 7PM

1. Mountain View Elementary

Reason polling place not open 7AM – 7PM

- Card activator was not programmed with the correct time and the Team Leader failed to follow the steps to re-program.

Clark County 2008 General Provisional Ballots Report

Number of Provisional Ballots Cast	Reasons Cast	Number Accepted
5,427 Total Provisional Ballots Cast	Wrong polling place, not registered, or did not have ID	2,315

Number Rejected	Reasons Rejected
2,625	Not registered
40	Failed to provide ID
447	Wrong Congressional District
3,112 Total Ballots Rejected	

Election Department

965 Trade Dr • Ste A • North Las Vegas NV 89030
Voter Registration (702) 455-8683 • Fax (702) 455-2793

Harvard L. Lomax, Registrar of Voters

Donna L. Cardinelli, Assistant Registrar of Voters

November 12, 2008

Post-Election Certification

2008 General Election Audit of Voter Verifiable Paper Trail Printers

In accordance with Chapter 293B of the Nevada Administrative Code, an audit was conducted of 92 (.02 x 4,587 machines used in the election) randomly selected Edge touchscreen voting machines and the voter verifiable paper trail printer that was used with each machine. The audit was conducted as follows:

- For each machine selected, the voters' selections are printed on the paper tape where manually tabulated by a panel of 2 people.
- The electronically recorded results for each machine were independently tabulated using the election tabulation software.
- The results were compared.

The results of the audit showed that 100% of the time, the electronically recorded results exactly matched the selections printed on the paper tape.

The numbers of the randomly selected machines were:

30157	30640	31059	31481	32140	32404	32969	33386	33828
30170	30667	31130	31598	32152	32411	32990	33405	33858
30239	30711	31192	31795	32175	32447	32999	33527	33914
30243	30752	31209	31816	32188	32527	33031	33546	34021
30343	30760	31263	31974	32199	32622	33076	33657	34061
30390	30799	31302	31994	32265	32713	33199	33682	34109
30401	30879	31314	32007	32301	32749	33219	33722	34198
30577	30898	31346	32087	32330	32757	33257	33756	34090
30594	30911	31364	32116	32338	32783	33334	33772	31060
30601	30964	31461	32126	32357	32923	33360	33796	31347
								33530

WE CERTIFY THIS INFORMATION
IS TRUE AND CORRECT


Accuracy Certification Board Officer's Signature


Accuracy Certification Board Officer's Signature

BOARD OF COUNTY COMMISSIONERS
RORY REID, Chairman • CHIP MAXFIELD, Vice-Chairman
SUSAN BRAGER • TOM COLLINS • CHRIS GIUNCHIGLIANI • LAWRENCE WEEKLY • BRUCE L. WOODBURY
VIRGINIA VALENTINE, P.E., County Manager

DOUGLAS COUNTY

MAIL BALLOTS – Number of Mail Ballots Reject	24
MAIL BALLOTS – Reasons Why Rejected	See attached
MAIL BALLOTS – Description of Complaints Regarding Mail Ballots and Resolution	See attached
VOTING MACHINES – For Each Machine That Malfunctioned, List: Type of Malfunction	4 screen failures
VOTING MACHINES – For Each Machine That Malfunctioned, List: Remedy for Malfunction	Service – Post election
VOTING MACHINES – For Each Machine That Malfunctioned; List: Length of Time Out of Service	Until next election
VOTING MACHINES – For Each Machine That Malfunctioned, List: Effect on Election Process	Unknown
POLLING PLACES – List Each Polling Place Not Open 7am – 7pm	None
POLLING PLACES – Reason Polling Place Not Open 7am – 7pm	n/a
PROVISIONAL BALLOTS – Number Cast and Reasons Cast	10 See attached
PROVISIONAL BALLOTS – Number Accepted and Number and Reasons Rejected	1 See attached
POST ELECTION AUDIT – Results of VVPAT POST ELECTION AUDIT (NAC 293.255)	100% accurate
CHALLENGES – Each Challenge of a Voter's Eligibility (NRS 293.303) and the Result	None

DOUGLAS COUNTY ADDENDUMS

MAIL BALLOTS

Reasons Why Mail Ballots Rejected

Not signed	= 16
Signature doesn't match	
Per Counting Board	= 2
ID not included	= 5
No power of attorney	
Enclosed	= 1

Complaints in hard copy only

DOUGLAS COUNTY PROVISIONAL VOTING**Provisional Voter List – Douglas County – General Election 2008**

Voter Tag #	Code	County	Explanation
000008415	2	Douglas	No registration record
000008423	2	Douglas	No registration record
000008409	2	Douglas	No registration record
000008419	2	Douglas	No registration record
000008414	2	Douglas	No registration record
000008427	2	Douglas	No registration record
000008434	2	Douglas	No registration record
000008428	2	Douglas	No registration record
000008439	2	Douglas	Counted
000008416	2	Douglas	No registration record

DOUGLAS COUNTY CONTINUED:

REASONS WHY MAIL BALLOTS REJECTED:

Not signed	=	16
Signature doesn't match		
Per counting board	=	2
ID not included	=	5
No power of attorney		
Enclosed	=	1

MAIL BALLOT COMPLAINT DOCUMENTATION ATTACHED

TO: SECRETARY OF STATE

FROM: TED THRAN 
DOUGLAS COUNTY CLERK-TREASURER

DATE: NOVEMBER 6, 2008

RE: Douglas County Post-Election Certification – 2008 General Election
Voter Verifiable Paper Trail Printer Audit

In accordance with Chapter 293B of the Nevada Administrative Code, an audit was conducted of five (5) randomly selected Edge touch screen voting machines and the voter verifiable paper trail printers that were used with each machine. The audit was conducted on November 6, 2008 as follows:

- a. For each machine selected, the voters' selections as printed on the paper tape were manually tabulated by a panel of 6 people
- b. The electronically recorded results for each machine were independently tabulated using the election tabulation software.
- c. The results were verified and compared.

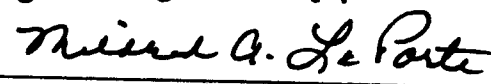
The results of the audit showed that 100% of the time, the electronically recorded results exactly matched the selections printed on the paper tape.

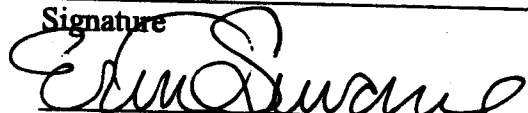
The serial numbers of the randomly selected machines were:

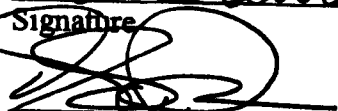
32312 Early Vote
32351 Gardnerville Fire
32366 Fish Springs
32409 Tahoe Transportation Center
32426 Sunridge

We certify this information is true and correct.

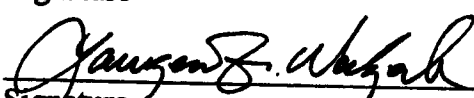

Signature


Signature


Signature

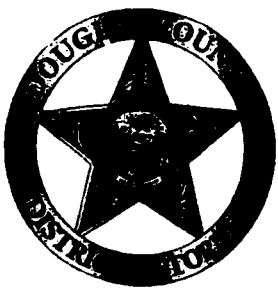

Signature


Signature


Signature

Douglas County Audit of Voter Verifiable Paper Trail Printers

<u>Machine Serial Number</u>	<u># of Voters</u>
32312	182
32351	34
32366	85
32409	85
32426	98
Totals: 5	484



OFFICE OF THE DISTRICT ATTORNEY DOUGLAS COUNTY

Mark B. Jackson
District Attorney

RECEIVED
OCT 16 2008

DOUGLAS COUNTY CLERK

October 15, 2008

Mailing Address
P.O. Box 218
Minden, Nevada 89423

Carson Valley Office
1625 8th Street
Minden, Nevada 89423
775-782-9800
775-782-9807 (fax)

Lake Tahoe Office
175 U.S. Highway 50
Stateline, Nevada 89449
775-586-7215
775-586-7217 (fax)

Child Support
P.O. Box 1240
Minden, Nevada 89423
775-782-9881
775-782-9880 (fax)

Michael McCormick
Assistant District Attorney

Thomas W. Gregory
Chief Criminal Deputy

Joseph L. Ward, Jr.
Chief Civil Deputy

Steven D. Schultz
Chief Investigator

Ian Budden
Office Manager

Connie Wenner
Child Support Coordinator

Lee Rowland, Esq.
Northern Coordinator, ACLU of Nevada
1325 Airmotive Way, Suite 202
Reno, Nevada 89502

Via Facsimile
775-786-0805

Re: Voting Rights Concerns

Dear Ms. Rowland:

I am in receipt of a copy of the letter you sent to Douglas County Clerk/Treasurer Ted Thran, dated October 9, 2008, wherein you raised two issues based on "several complaints from the public about the proposed voting protocol" in Douglas County. Please be advised that I have read your letter and I have analyzed your claims. Only speculation, however, can support any inference that Douglas County is in violation, or will be in violation, of the Voting Rights Act as codified at 42 USC 1973.

With respect to your concern regarding the "Removal of the Polling Machine on the Dresslerville Reservation," I disagree with your "reports" indicating Dresslerville Precinct #12 voter turnout at the recent primary election was "dramatically lower" than prior years. In fact, if your "reporters" were to research the facts, they will find that the difference between the votes cast at the Dresslerville Precinct #12 polling location during the August, 2006, primary election and the votes cast during the August, 2008, primary election, utilizing one of six mailing precinct options, was the difference of one (1) vote. See enclosures for explanation of options for mailing precinct.

Furthermore, Nevada law allows and favors designating precinct #12 as a mailing precinct. NRS 293.213. At the last general election (November 7, 2006), seventy-one (71) ballots were cast in the Dresslerville Precinct. Pursuant to NRS 293.213(3), any established precinct which had less than 200 ballots cast may be designated an absent ballot mailing precinct.

In conformity with NRS 293.213(4), the county clerk caused timely notice of such action to Assemblyman James Settlemeyer, State Senator Mark Amodei, State Senator Mike McGinness, the Douglas County Board of County Commissioners, the Tribal Council for the Washoe Tribe of Nevada

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and California, and all registered voters within the Dresslerville Precinct. Prior to initiating the action, the Douglas County Clerk/Treasurer met with the Washoe Tribal Council. The Douglas County Clerk/Treasurer noticed the Douglas County Board of County Commissioners at their regular meeting on April 17, 2008, of the intent to designate Dresslerville Precinct as a mailing precinct for all future elections.

The voters residing in precinct #12 are as capable of participating in the upcoming election as any electorate citizen of the United States. The county clerk has provided the precinct #12 voters with six (6) options for submitting their ballots for the upcoming general election. Those options exceed the legal requirements set forth in NRS 293.213, and, under the circumstances, should ensure the best possible participation by these voters.

You also raise an issue regarding "Posting of Armed Police at Polling Places." You cite *Burson v. Freeman*, 504 U.S. 191, 207 (1992), in reliance on your opinion that police presence at a polling place is in violation of the law. However, the quote you rely on from *Burson* is grossly misplaced and incomplete. This dictum illustrates argument from the respondent who was the losing party. The question in *Burson* was whether a state law which prohibited the solicitation of votes and the display or distribution of campaign materials within 100-feet of the entrance to a polling place on election day, was unconstitutional. The High Court concluded it was not. It found this to be a constitutional compromise between two competing fundamental interests; the exercise of free speech and the right to cast a ballot in an election free from the taint of intimidation and fraud. The point actually made was that because of the lack of a closer presence by law enforcement officers "many acts of interference would go undetected." *Id.*

Furthermore, 293.217(1) gives every Nevada county clerk the authority to request the sheriff to appoint a deputy sheriff for each polling place in the county. Once requested, the sheriff is mandated to appoint a deputy sheriff for each polling location. Deputies so appointed shall preserve order during hours of voting and attend the closing of the polls. NRS 293.217(1)(b). Historically, the county clerk in Douglas County has requested the sheriff to appoint deputies to be present at every polling location on the date of the primary and general elections. Without the presence of a deputy sheriff, the likelihood of a breach of peace or a violation of an election law increases. In fact, during the early voting of the primary election this year, a deputy was not present at the early voting location when there was a breach of peace as a result of a voter wearing political paraphernalia on his/her person. The ensuing argument amongst voters waiting in line was disruptive to all in attendance, including those voters who were actively engaged in casting their votes. The presence of an officer would have prevented this situation from occurring.

Lee Rowland, Esq.
October 15, 2008
Page 3

Douglas County has one of the highest voter turnouts in the state during the general elections. This year, we anticipate even more voters going to the polls on November 4th. In addition, we also anticipate more poll watchers at the polling locations. The presence of an officer at each polling location will ensure voter access to the location, reduce threats and prevent intimidation of voters.

I hope this response answers your questions and effectively resolves the issues raised in your letter. If you have any questions or additional concerns, please feel free to contact me.

Sincerely,



Mark B. Jackson
District Attorney

MBJ/

Enclosures

Cc: Matt Griffin, Elections Deputy, Secretary of State
Ted Thran, Douglas County Clerk/Treasurer

TED THRAN
DOUGLAS COUNTY CLERK-TREASURER
P.O. BOX 218, MINDEN, NV 89423
(775) 782-9020; fax (775) 782-9016
web-site: [http:// cltr.co.douglas.nv.us](http://cltr.co.douglas.nv.us)


Dear Dresslerville Voter:

In compliance with Nevada Revised Statutes, your precinct has been converted to a mail-in precinct. We are providing you with six options to submit your ballot on or before 7:00 p.m. election day (November 4, 2008):

1. Mail the enclosed ballot in the postage-paid envelope so it can be received on or before November 4, 2008;
2. Drop your voted ballot (sealed in the postage-paid envelope) at the Washoe Tribe Senior Center during 9:00 a.m. to 5:00 p.m. on Election Day (November 4, 2008);
3. Drop your ballot off at the clerk's office in the Minden Inn 9:00 a.m. to 5:00 p.m. Monday through Friday, on or before November 4, 2008;
4. Drop your voted ballot, sealed in the envelope, at our drop box located at the south end of the old courthouse (any day & time of the week), on or before November 4, 2008;
5. Surrender your un-voted ballot during early voting (schedule enclosed) and vote during early voting on a mechanical voting device;
6. Surrender your un-voted ballot on Election Day (November 4, 2008) at the clerk's office in the Minden Inn between 7:00 a.m. to 7:00 p.m. and vote on a mechanical voting device.

Below you will find brief but thorough instructions to assist you in casting your mail-in ballot. Enclosed is your optical-scan ballot and envelopes to be used to return your voted ballot back to the clerk's office. If you have any additional questions or concerns please do not hesitate to contact us at (775) 782-9020.

INSTRUCTIONS FOR VOTING MAIL-IN BALLOT

1. To vote, complete the arrow  next to your choice by **using a pencil or dark ink pen - DO NOT use red or other colored ink, a felt tip marker, a highlighter, or correction tape or fluid.** Some races may allow you to vote for more than one candidate. Be certain you read the "Vote for----" below the title of each race before making your selection.

If you make a mistake or change your mind while voting your ballot, do not use correction fluid or tape. Simply cross out the name of the candidate you do not wish to vote for and connect the arrow of the candidate you do wish to vote for. See example below. Call 782-9020 for assistance if needed.

George Washington



~~Benjamin Franklin~~



2. Remove the receipt (stub) on the *perforated line* at the top of the ballot as your proof of voting. **Do not cut on the thick black line above the candidate's names.**

3. Re-fold your ballot in the same manner as you received it. Place the voted ballot in the Secrecy Sleeve.

4. Place the Secrecy Sleeve and voted ballot in the postage paid manila envelope.

5. Sign the back of the manila envelope. If it is not signed, it will not be counted.

6. Process your ballot using one of the six options as outlined in this letter as soon as possible. In compliance with Nevada law, mail-in ballots must be received on or before 7:00 p.m. on election day (November 4, 2008) to be counted.

Ted Thran
Douglas County Clerk-Treasurer

Enclosure: Early Voting Schedule

EARLY VOTING SCHEDULE
GENERAL ELECTION - NOVEMBER 4, 2008

Early Voting allows any registered voter to appear in person and vote prior to election day. The law established the hours for the permanent location and left the discretion of the satellite locations up to the County Clerk. The personnel at the satellite locations have primarily been volunteers (Elected Officials, Department Heads and Supervisors). Because of their commitment to provide you with this service there has been minimal cost for these satellite locations to the taxpayers of Douglas County.

The following is a list of locations, dates and hours that will be maintained for early voting for the General Election. If you have any questions please call 782-9020.

Ted Thran, Clerk-Treasurer

ALL PRECINCTS MAY VOTE AT ANY LOCATION DURING EARLY VOTING

PERMANENT SITE: C.V.I.C. HALL - 1602 ESERALDA AVE.

Saturday	October 18, 2008	10 a.m. to 4 p.m.
Mon - Fri	Oct. 20 - Oct. 24, 2008	8 a.m. to 6 p.m.
Saturday	October 25, 2008	10 a.m. to 4 p.m.
Mon - Thur	Oct. 27 - Oct. 30, 2008	8 a.m. to 6 p.m.
Nevada Day Holiday	Friday, Oct. 31, 2008	9 a.m. to 3 p.m.

SATELLITE LOCATIONS:

TAHOE TRANSPORTATION CENTER - 169 HIGHWAY 50

Saturday	October 18, 2008	10 a.m. to 1 p.m.
Saturday	October 25, 2008	10 a.m. to 1 p.m.
Wednesday	October 29, 2008	3 p.m. to 6 p.m.

TOPAZ RANCH ESTATES FIRE STATION - 1476 ALBITE DR.

Saturday	October 18, 2008	10 a.m. to 1 p.m.
Saturday	October 25, 2008	10 a.m. to 1 p.m.
Tuesday	October 28, 2008	3 p.m. to 6 p.m.

SUNRIDGE FIRE STATION, 3620 NO. SUNRIDGE

Thursday	October 23, 2008	3 p.m. to 7 p.m.
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GARDNERVILLE RANCHOS FIRE STATION, 940 MITCH DR.

Wednesday	October 29, 2008	3 p.m. to 7 p.m.
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JOHNSON LANE FIRE STATION - 1450 STEPHANIE WAY

Thursday	October 30, 2008	3 p.m. to 7 p.m.
----------	------------------	------------------

BARBARA J. GRIFFIN
DOUGLAS COUNTY CLERK-TREASURER
P.O. BOX 218, MINDEN, NV 89423
(775) 782-9020; fax (775) 782-9016
web-site: <http://cltr.co.douglas.nv.us>

Dear Dresslerville Voter:

In compliance with Nevada Revised Statutes, your precinct has been converted to a mail-in precinct. We are providing you with six options to submit your ballot on or before 7:00 p.m. election day (August 12, 2008):

1. Mail the enclosed ballot in the postage-paid envelope so it can be received on or before August 12, 2008;
2. Drop your voted ballot (sealed in the postage-paid envelope) at the Washoe Tribe Senior Center during 9:00 a.m. to 5:00 p.m. on Election Day (August 12, 2008);
3. Drop your voted ballot, sealed in the envelope, off at the clerk's office in the Minden Inn 9:00 a.m. to 5:00 p.m. Monday through Friday, on or before August 12, 2008;
4. Drop your voted ballot, sealed in the envelope, at our drop box located at the south end of the old courthouse (any day & time of the week), on or before August 12, 2008;
5. Surrender your un-voted ballot during early voting (schedule enclosed) and vote during early voting on a mechanical voting device;
6. Surrender your un-voted ballot on Election Day (August 12, 2008) at the clerk's office in the Minden Inn between 7:00 a.m. to 7:00 p.m. and vote on a mechanical voting device.

Below you will find brief but thorough instructions to assist you in casting your mail-in ballot. Enclosed is your optical-scan ballot and envelopes to be used to return your voted ballot back to the clerk's office. If you have any additional questions or concerns please do not hesitate to contact us at 782-9020.

INSTRUCTIONS FOR VOTING MAIL-IN BALLOT

1. To vote, complete the arrow ← next to your choice by using a pencil or dark ink pen - **DO NOT** use red or other colored ink, a felt tip marker, a highlighter, or correction tape or fluid. Some races may allow you to vote for more than one candidate. Be certain you read the "Vote for----" below the title of each race before making your selection.

<p>If you make a mistake or change your mind while voting your ballot, do not use correction fluid or tape. Simply cross out the name of the candidate you do not wish to vote for and connect the arrow of the candidate you do wish to vote for. See example below. Call 782-9020 for assistance if needed.</p>	
<p>George Washington</p> <p>Benjamin Franklin</p>	<div style="margin-bottom: 10px;">← </div> <div>← </div>

2. Remove the receipt (stub) on the perforated line at the top of the ballot as your proof of voting. **Do not cut on the thick black line above the candidate's names.**

3. Re-fold your ballot in the same manner as you received it. Place the voted ballot in the Secrecy Sleeve.

4. Place the Secrecy Sleeve and voted ballot in the postage paid manila envelope.

5. **Sign the back of the manila envelope.** If it is not signed, it **will not** be counted.

6. Process your ballot using one of the six options as outlined in this letter as soon as possible. In compliance with Nevada law, mail-in ballots must be received on or before 7:00 p.m. on Election Day (**August 12, 2008**) to be counted.

Barbara J. Griffin
Douglas County Clerk-Treasurer

Enclosure: Early Voting Schedule

TO: REGISTERED VOTERS IN DRESSLerville PRECINCT
FROM: BARBARA J. GRIFFIN, CLERK-TREASURER
DATE: APRIL 16, 2008
RE: DESIGNATING A PRECINCT AS A MAILING PRECINCT - NRS 293.213

NRS 293.213 allows the county clerk, in any established precinct, to designate a precinct as a mailing precinct if there were less than 200 ballots cast at the last preceding general election and if there is an absent ballot central counting board appointed.

In compliance with NRS 293.213 (4b) I am hereby notifying you that on May 20, 2008 Dresslerville Precinct (precinct #12) will be officially designated as a mailing precinct in Douglas County for all upcoming elections. At the general election held on November 7, 2006 there were 71 ballots cast (in 2004 there were 129 ballots cast) in the Dresslerville Precinct and Douglas County does have an absent ballot central counting board appointed. The registered voters in the Dresslerville Precinct will receive an official mail ballot. The mail ballots will be mailed at least nineteen days prior to the primary & general elections. If any voter within that precinct chooses to not vote their mail ballot there will be a designated polling location during both early voting and on election day that a voter may vote on an "Edge" electronic voting machine. The designated polling location for early voting will be at the C.V.I.C. Hall, 1602 Esmeralda Ave., Minden. The designated location for election day will be noted on the information you receive with your mail ballot.

This action is being taken to help reduce the cost of the budget and to provide the most productive and beneficial use of the electronic voting equipment as the overall registered voters' population increases in other areas within the County.

I believe it is more beneficial to the voters in Dresslerville to provide you with a mailing ballot than to consolidate you into a larger precinct and polling location. In some past elections, the voter turnout in Dresslerville has been high - one year 100% voter turnout; 2006 general election 50% turnout. I sincerely wish to have the turnout continue to be positive and, I feel, that by providing the voters with a mail ballot and designating a polling location during early voting and on election day the voters within the Dresslerville precinct will continue to have very convenient and easy options when casting your ballots.

If you have any questions regarding this please don't hesitate to give me a call at 782-6273.

TO: BOARD OF COUNTY COMMISSIONERS

FROM: BARBARA J. GRIFFIN, CLERK-TREASURER

DATE: APRIL 7, 2008

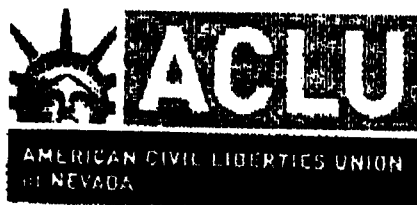
RE: DESIGNATING A PRECINCT AS A MAILING PRECINCT - NRS 293.213

NRS 293.213 allows the county clerk to establish a precinct as a mailing precinct if there are 200 or less registered voters in that precinct and if there is an absent ballot central counting board appointed. As of April 3, 2008 Dresslerville had 100 registered voters and Douglas County does have an absent ballot central counting board appointed.

In compliance with NRS 293.213 (4b) I am hereby notifying you that on May 20, 2008 Dresslerville Precinct (precinct #12) will be officially designated as a mailing precinct in Douglas County. The registered voters in the Dresslerville Precinct will receive an official mail ballot. The mail ballots will be mailed at least nineteen days prior to election day. If any voter within that precinct chooses to not vote their mail ballot there will be a designated polling location during both early voting and on election day that a voter may vote on an "Edge" electronic voting machine.

This action is being taken to help reduce the cost of the budget and to provide the most productive and beneficial use of the electronic voting equipment as the overall registered voter population increases in other areas.

I believed it was more beneficial to the voters in Dresslerville to provide them with a mailing ballot than to consolidate them into a larger precinct and polling location. In some past elections, the voter turnout in Dresslerville has been high - one year 100% voter turnout; 2006 general election 50% turnout. I sincerely wish to have the turnout continue to be positive and, I felt, that by providing them with a mail ballot and designating a polling location during early voting and on election day the voters within that precinct will continue to have very convenient and easy options when casting their ballot.



AMERICAN CIVIL
LIBERTIES UNION
OF NEVADA
1325 AIRMOTIVE WAY
SUITE 202
RENO, NV 89502
T/775-786-1033
F/775-786-0500
WWW.ACLU.NV.ORG

DATE: October 9, 2008	
TO: Ted Thran, Douglas County Clerk/Treasurer	FAX NUMBER: (775) 782-9016
CC: Ross Miller, Secretary of State Matthew Griffin, Secretary for Elections Mark Jackson, Douglas County Attorney	
FROM: Lee Rowland, Esq.	PHONE NUMBER:
RE: Voting Rights Concerns about: (1) Closure of Washoe Reservation Precinct (2) Police Presence at Douglas County Polling Places	NUMBER OF PAGES (INCLUDING THIS PAGE): 5

Dear Mr. Thran:

Attached please find a time-sensitive letter from ACLU of Nevada attorney Lee Rowland. A copy is to follow in the U.S. Mail.

Sincerely,

Paige Thie
Office Manager

This fax, together with any attachments, is for the exclusive and confidential use of the addressee(s) and may contain legally privileged information. Any other distribution, use or reproduction without the sender's prior consent is unauthorized and strictly prohibited. If you have received this fax in error, please notify the sender immediately and destroy the fax without making any copies.



Douglas County - Office of the Clerk/Treasurer
 Attn: Clerk/Treasurer Ted Thran
 1594 Esmeralda Ave., Room 105
 PO Box 218
 Minden, NV 89423-0218
 775-782-9016 (fax)

Via Facsimile and U.S. Mail
 October 9, 2008

RE: Voting Rights Concerns about:

- (1) Closure of Washoe Reservation Precinct
- (2) Police Presence at Douglas County Polling Places

Dear Mr. Thran:

I am writing on behalf of the American Civil Liberties Union of Nevada. We are a non-profit Nevada organization that engages in advocacy and litigation on civil rights issues, including the right to vote. Our office has received several complaints from the public about the proposed voting protocol in your county for the upcoming elections. Two of these issues in particular stand out as red flags that could improperly inhibit voting, and cause us great concern. The first issue is your stated intention to place armed, uniformed law enforcement officers at each polling place in Douglas County. The second is the removal of the Washoe Tribe's only polling machine on the Dresslerville Reservation, which we fear may inhibit voting access for Native Americans in possible violation of the Voting Rights Act. Because of the deeply troubling possibility for reduced access to polls by Native Americans and the possible violation of law, we also ask below that you respond to our office with any efforts you have made and will make before the election to ensure that your precinct closure does not negatively impact minority voting. The details of our request are on the following pages.

While I realize we may not see eye-to-eye on these issues, I hope you will consider the issues we raise here. As detailed below, there are significant legal issues raised. More importantly, the concerns were relayed to us by voters in your county who are genuinely worried about voter intimidation and lack of access to the polls.

I am more than happy to speak to you, the County Attorney, or anyone else you choose, to attempt to resolve these issues informally. I cannot thank you enough for taking the time to consider these critical and time-sensitive issues just before this election. Please do not hesitate to contact me at any time.

Sincerely,

Lee Rowland
 Nevada Bar No. 10209
 Northern Coordinator, ACLU of Nevada
 (775) 786-1033 (phone)
 (775) 786-0805 (fax)

AMERICAN CIVIL
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 NEVADA
 1325 ALHAMBRA WAY
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 www.aclunv.org

OFFICERS AND DIRECTORS
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 PRESIDENT

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 EXECUTIVE DIRECTOR

ROBERT CHESTER
 EXECUTIVE VICE PRESIDENT

LISA RASMUSSEN
 VICE PRESIDENT

I. Removal of the Polling Machine on the Dresslerville Reservation

Our first and primary concern is the removal of the only voting machine in Precinct #12, the only precinct located on the Dresslerville Reservation. We understand that budgetary constraints may force the closure of certain polling places, but these difficult decisions must be made within the limits of the Voting Rights Act. Section two of the Voting Rights Act, codified at 42 U.S.C. 1973, reads as follows in its entirety (emphasis added):

(a) No voting qualification or prerequisite to voting or standard, practice, or procedure shall be imposed or applied by any State or political subdivision in a manner which results in a denial or abridgement of the right of any citizen of the United States to vote on account of race or color, or in contravention of the guarantees set forth in section 1973b (1)(2) of this title, as provided in subsection (b) of this section.

(b) A violation of subsection (a) of this section is established if, based on the totality of circumstances, it is shown that the political processes leading to nomination or election in the State or political subdivision are not equally open to participation by members of a class of citizens protected by subsection (a) of this section in that its members have less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice. The extent to which members of a protected class have been elected to office in the State or political subdivision is one circumstance which may be considered: Provided, That nothing in this section establishes a right to have members of a protected class elected in numbers equal to their proportion in the population.

The U.S. Supreme Court has construed this statute to require only proof of a discriminatory effect on protected voters, regardless of the motivation for the electoral change. See *Thornburg v. Gingles*, 478 U.S. 30 (1986). It is our view that the removal of the only voting machine on Reservation land poses a significant problem for November 4, and may have already negatively affected a minority population's voting rights. We have had reports from the Reservation that their percentage of registered voters voting in this year's primary, the first vote after Douglas County eliminated the Reservation polling place, were dramatically lower than prior vote turnouts. If this is so, it is our view that it would likely demonstrate a discriminatory effect.

Request

Due to the possibility that the removal of the Reservation polling place may inhibit Native American voters, we are asking that you share any efforts your office has undertaken to ensure that the Voting Rights Act is not violated by the removal of the Dresslerville polling place. Of course, the ideal action would be reinstatement of the Dresslerville Precinct if this is still possible at this date. Please inform us if this is a possibility. Otherwise, please forward to our office the revised voting options for those no longer entitled to vote at the Dresslerville precinct; any efforts you have made to ensure that all former constituents of precinct #12 were informed of the change and their alternative options; any attempts made to secure or locate polling places that would ensure those on the Reservation do not have to

travel farther than other voters; any direct outreach you have done to coordinate mail-in voting or access to transportation to the polls; and any other efforts you have made to prevent any negative effect on Native American voting access. Due to the time-sensitive nature of the upcoming election, we ask that you contact us by **October 15th** to inform us of your policies (or your inability or delay in producing them).

II. Posting of Armed Police at Polling Places

It is also our understanding that, at your request, Douglas County will post armed, uniformed police officers at each of its polling places on Election Day. Because this may have the unintended effect of suppressing voter turnout, I am writing to urge you not to continue with this effort. The decision to post uniformed, armed officers at the polls is also at odds with other election officials' plans on November 4th, including the Secretary of State, who has taken pains to keep armed officers out of poll areas.

The ACLU of Nevada believes that the unnecessary posting of police personnel at polling places may be considered a form of voter intimidation and is likely to turn voters away from the polls. Indeed, the Supreme Court has even recognized state bans on police presence at the polls as an appropriate part of a buffer to ensure the purity of the polling place. See *Burson v. Freeman*; 504 U.S. 191, 207 (1992) (examining Tennessee buffer zone, that included a provision that "law enforcement officers generally are barred from the vicinity of the polls to avoid any appearance of coercion in the electoral process"). Voting is each American's most fundamental democratic right, and we urge you to support that right to its fullest, and carefully consider the negative effects a visible police presence may have on turnout.

Furthermore, the presence of armed, uniformed police officers is not likely to make polling places any safer than other, less obtrusive security measures that could be instituted. You may wish to train poll workers to be more observant as to possible threats. You may wish to create emergency communication lines between police and poll personnel. Some registrars have even suggested drawing up plans for moving polling places on short notice. If procedures such as these are put in place for Election Day, our polls will be made as secure as they reasonably can be, and we will avoid the intimidating presence--and ominous symbol--of armed guards at the polls.

While it is important that registrars be mindful of potential problems on Election Day, plans should carefully balance voter access and the need for security. For this reason, the office of the Secretary of State Ross Miller, in conjunction with the recently formed Voter Integrity Task Force, has initiated a series of unseen measures to ensure security at the polls, including posting on-duty *plain clothes* officers throughout the state who will be paying close attention to polling places during their patrols. The Secretary of State's office has assured us that it does not support enhanced police presence at the polls because of its potential for intimidating voters.

Request

Please inform us by October 15, 2008, if you will agree to adopt plans to avoid voter intimidation, such as adopt a law enforcement barrier zone, or utilize plain clothes officers in lieu of uniformed officers.

Thank you again for taking the time to read this request.

**CC: Ross Miller, Secretary of State
Matthew Griffin, Deputy Secretary for Elections
Mark Jackson, Douglas County Attorney**

PROVISIONAL VOTER LIST - DOUGLAS COUNTY - GENERAL ELECTION 2008

Voter Tag #	Code	County	Explanation
000008415	2	Douglas	No registration record
000008423	2	Douglas	No registration record
000008409	2	Douglas	No registration record
000008419	2	Douglas	No registration record
000008414	2	Douglas	No registration record
000008427	2	Douglas	No registration record
000008434	2	Douglas	No registration record
000008428	2	Douglas	No registration record
000008439	1	Douglas	Counted
000008416	2	Douglas	No registration record

Voter tag number must be a nine digit number.

If you have assigned a voter tag number which is less than nine digits, please add enough zeros to the beginning of your number to equal a final nine digit number.

election/SoS provisional rept

ELKO COUNTY

MAIL BALLOTS – Number of Mail Ballots Reject	9 Ballots
MAIL BALLOTS – Reasons Why Rejected	(1)-see attached
MAIL BALLOTS – Description of Complaints Regarding Mail Ballots and Resolution	(2)-see attached
VOTING MACHINES – For Each Machine That Malfunctioned, List: Type of Malfunction	(3)-see attached
VOTING MACHINES – For Each Machine That Malfunctioned, List: Remedy for Malfunction	(4)-see attached
VOTING MACHINES – For Each Machine That Malfunctioned; List: Length of Time Out of Service	(5)-see attached
VOTING MACHINES – For Each Machine That Malfunctioned, List: Effect on Election Process	Minimal effect
POLLING PLACES – List Each Polling Place Not Open 7am – 7pm	None
POLLING PLACES – Reason Polling Place Not Open 7am – 7pm	n/a
PROVISIONAL BALLOTS – Number Cast and Reasons Cast	(6)-see attached
PROVISIONAL BALLOTS – Number Accepted and Number and Reasons Rejected	(7)-see attached
POST ELECTION AUDIT – Results of VVPAT POST ELECTION AUDIT (NAC 293.255)	100% accurate
CHALLENGES – Each Challenge of a Voter's Eligibility (NRS 293.303) and the Result	None

ELKO COUNTY ADDENDUMS

1-Reasons for Rejected Mail Ballots:

- No signature, signature did not match or deceased voter.

2-Complaints Regarding Mail Ballots:

- Address and signature visible on outside of envelope.
 - Resolution:
 - Ordered new envelopes.

3-Voting Machine Malfunctions:

- #51857-Printer problems during early voting.
- #46994-Problems printing Results Report.
- #32538-Voter cards sticking in machine on Election Day.

4-Voting Machine Remedies:

- #51857-Closed down machine-Sequoia scheduled to repair machine on 12/16/08.
- #46994-Printed Results Report from cartridge-Sequoia scheduled to repair machine on 12/16/08.
- #32538-Closed down machine- Sequoia scheduled to repair machine on 12/16/08.

5-Length of Time Machine Out of Service:

- #51857-11 days of early voting.
- #46994-0 days.
- #32538-1 day.

6-Number of Provisional Ballots Cast and Reasons:

- 31 ballots cast due to name not appearing on voter registration list.

7-Number of Provisional Ballots Accepted and Rejected and Rejection Reasons:

- 15-Accepted.
- 16-Rejected-Voters not registered.

ESMERALDA COUNTY

MAIL BALLOTS – Number of Mail Ballots Reject	0
MAIL BALLOTS – Reasons Why Rejected	n/a
MAIL BALLOTS – Description of Complaints Regarding Mail Ballots and Resolution	None
VOTING MACHINES – For Each Machine That Malfunctioned, List: Type of Malfunction	0
VOTING MACHINES – For Each Machine That Malfunctioned, List: Remedy for Malfunction	0
VOTING MACHINES – For Each Machine That Malfunctioned; List: Length of Time Out of Service	0
VOTING MACHINES – For Each Machine That Malfunctioned, List: Effect on Election Process	0
POLLING PLACES – List Each Polling Place Not Open 7am – 7pm	None
POLLING PLACES – Reason Polling Place Not Open 7am – 7pm	n/a
PROVISIONAL BALLOTS – Number Cast and Reasons Cast	0
PROVISIONAL BALLOTS – Number Accepted and Number and Reasons Rejected	n/a
POST ELECTION AUDIT – Results of VVPAT POST ELECTION AUDIT (NAC 293.255)	100% accurate
CHALLENGES – Each Challenge of a Voter's Eligibility (NRS 293.303) and the Result	None

EUREKA COUNTY

MAIL BALLOTS – Number of Mail Ballots Reject	76
MAIL BALLOTS – Reasons Why Rejected	See attached
MAIL BALLOTS – Description of Complaints Regarding Mail Ballots and Resolution	3 complaints – see attach
VOTING MACHINES – For Each Machine That Malfunctioned, List: Type of Malfunction	Would not record vote
VOTING MACHINES – For Each Machine That Malfunctioned, List: Remedy for Malfunction	Powered off; voted another machine
VOTING MACHINES – For Each Machine That Malfunctioned; List: Length of Time Out of Service	8 early voting days
VOTING MACHINES – For Each Machine That Malfunctioned, List: Effect on Election Process	No effect
POLLING PLACES – List Each Polling Place Not Open 7am – 7pm	None
POLLING PLACES – Reason Polling Place Not Open 7am – 7pm	n/a
PROVISIONAL BALLOTS – Number Cast and Reasons Cast	None
PROVISIONAL BALLOTS – Number Accepted and Number and Reasons Rejected	n/a
POST ELECTION AUDIT – Results of VVPAT POST ELECTION AUDIT (NAC 293.255)	100% accurate
CHALLENGES – Each Challenge of a Voter's Eligibility (NRS 293.303) and the Result	None

EUREKA COUNTY ADDENDUMS

Reasons mailed ballots were rejected:

Returned to sender – undeliverable:	53
Surrendered – did not wish to vote:	1
No signature or invalid signature:	4
No ID or proof of residency:	13
Returned ballot – voter deceased:	3
Surrendered to early vote:	1
Returned for replacement (mistake on ballot):	1

Description of complaints re: mailed ballots & remedy:

- One ballot reported lost in mail; it was replaced & original ballot number was noted so it would not be counted.
- Two ballots mailed to incorrect address: for one, replacement ballot sent to correct address via express mail (original ballot was returned by daughter of voter); for second one, voter was able to retrieve and vote ballot.

HUMBOLDT COUNTY

MAIL BALLOTS – Number of Mail Ballots Reject	13
MAIL BALLOTS – Reasons Why Rejected	Rec'd after 7 pm 11/4/08
MAIL BALLOTS – Description of Complaints Regarding Mail Ballots and Resolution	Rec'd 4 complaints that mail in/absentee envelopes were returned to the voter. Contacted the Post Office and discussed issue. Looking at redesign of envelope or mailing labels for future elections
VOTING MACHINES – For Each Machine That Malfunctioned, List: Type of Malfunction	None
VOTING MACHINES – For Each Machine That Malfunctioned, List: Remedy for Malfunction	n/a
VOTING MACHINES – For Each Machine That Malfunctioned; List: Length of Time Out of Service	n/a
VOTING MACHINES – For Each Machine That Malfunctioned, List: Effect on Election Process	No effect
POLLING PLACES – List Each Polling Place Not Open 7am – 7pm	None
POLLING PLACES – Reason Polling Place Not Open 7am – 7pm	n/a
PROVISIONAL BALLOTS – Number Cast and Reasons Cast	9 Names did not appear on voter rolls
PROVISIONAL BALLOTS – Number Accepted and Number and Reasons Rejected	2 accepted 7 rejected due to inability to determine registration – no contact by any of provisional voters
POST ELECTION AUDIT – Results of VVPAT POST ELECTION AUDIT (NAC 293.255)	100% accurate
CHALLENGES – Each Challenge of a Voter's Eligibility (NRS 293.303) and the Result	None

LANDER COUNTY

MAIL BALLOTS – Number of Mail Ballots Reject	0
MAIL BALLOTS – Reasons Why Rejected	n/a
MAIL BALLOTS – Description of Complaints Regarding Mail Ballots and Resolution	None
VOTING MACHINES – For Each Machine That Malfunctioned, List: Type of Malfunction	0
VOTING MACHINES – For Each Machine That Malfunctioned, List: Remedy for Malfunction	0
VOTING MACHINES – For Each Machine That Malfunctioned; List: Length of Time Out of Service	0
VOTING MACHINES – For Each Machine That Malfunctioned, List: Effect on Election Process	No effect
POLLING PLACES – List Each Polling Place Not Open 7am – 7pm	none
POLLING PLACES – Reason Polling Place Not Open 7am – 7pm	n/a
PROVISIONAL BALLOTS – Number Cast and Reasons Cast	10 Total Votes Not registered or outside jurisdiction
PROVISIONAL BALLOTS – Number Accepted and Number and Reasons Rejected	7 accepted 3 rejected 2 – Code 2 1 – Code 3
POST ELECTION AUDIT – Results of VVPAT POST ELECTION AUDIT (NAC 293.255)	100%
CHALLENGES – Each Challenge of a Voter's Eligibility (NRS 293.303) and the Result	None

LINCOLN COUNTY

MAIL BALLOTS – Number of Mail Ballots Reject	0
MAIL BALLOTS – Reasons Why Rejected	n/a
MAIL BALLOTS – Description of Complaints Regarding Mail Ballots and Resolution	None
VOTING MACHINES – For Each Machine That Malfunctioned, List: Type of Malfunction	Edge SN 32606 couldn't initialize touch screen; Edge SN 32617 change real time clock battery
VOTING MACHINES – For Each Machine That Malfunctioned, List: Remedy for Malfunction	Edge SN 32606 power was recycled; Edge SN 32617 batteries were changed
VOTING MACHINES – For Each Machine That Malfunctioned; List: Length of Time Out of Service	Approximately 30 minutes
VOTING MACHINES – For Each Machine That Malfunctioned, List: Effect on Election Process	No effect
POLLING PLACES – List Each Polling Place Not Open 7am – 7pm	none
POLLING PLACES – Reason Polling Place Not Open 7am – 7pm	n/a
PROVISIONAL BALLOTS – Number Cast and Reasons Cast	4 Voter chose not to drive to the correct precinct
PROVISIONAL BALLOTS – Number Accepted and Number and Reasons Rejected	4 accepted 0 rejected
POST ELECTION AUDIT – Results of VVPAT POST ELECTION AUDIT (NAC 293.255)	100% accurate
CHALLENGES – Each Challenge of a Voter's Eligibility (NRS 293.303) and the Result	NONE

LYON COUNTY

MAIL BALLOTS – Number of Mail Ballots Reject	18 See attached
MAIL BALLOTS – Reasons Why Rejected	See attached
MAIL BALLOTS – Description of Complaints Regarding Mail Ballots and Resolution	None
VOTING MACHINES – For Each Machine That Malfunctioned, List: Type of Malfunction	See attached
VOTING MACHINES – For Each Machine That Malfunctioned, List: Remedy for Malfunction	See attached
VOTING MACHINES – For Each Machine That Malfunctioned; List: Length of Time Out of Service	See attached
VOTING MACHINES – For Each Machine That Malfunctioned, List: Effect on Election Process	No effect
POLLING PLACES – List Each Polling Place Not Open 7am – 7pm	None
POLLING PLACES – Reason Polling Place Not Open 7am – 7pm	n/a
PROVISIONAL BALLOTS – Number Cast and Reasons Cast	6
PROVISIONAL BALLOTS – Number Accepted and Number and Reasons Rejected	See attached
POST ELECTION AUDIT – Results of VVPAT POST ELECTION AUDIT (NAC 293.255)	100% Accurate
CHALLENGES – Each Challenge of a Voter's Eligibility (NRS 293.303) and the Result	None

PRECINCT	NOT SIGNED	NO ID PROVIDED	SIGNATURE NO MATCH	NOT COMPLETED PROPERLY	TOTAL
1					0
2					0
3					0
4					0
5		1			1
6		1			1
7			1		1
8					0
9		1			1
10					0
11		1			1
12			1		1
13		1			1
14		1			1
15		1			1
16		0			0
17		3			3
18					0
19					0
20					0
21					0
22					0
23				2	2
24		2			2
25					0
26					0
27				1	1
28					0
29		1			1
30					0
31					0
32					0
33					0
34					0
35					0
36					0
37					0
38					0
39					0
40					0
TOTAL		13	2	3	18

Equipment Repairs After the General Election 2008

Machine #	Polling Location	Problem
32637	Early Vote	Shows that it is on Battery even when the AC light displays in the back
32652	Early Vote	Card slot not accepting cards
32693	Fernley High School	Leg Assembly-missing one of the rubber ends of the legs
35983	Dayton High School	Leg Assembly, the pegs are broken off one of the legs
35993	Dayton High School	Card slot not accepting cards
35985	Dayton High School	Card slot not accepting cards
35989	Dayton High School	Touch screen problems
51863	Casino West Convention Center	Pollworker display out
51871	Casino West Convention Center	Yellow screen

Lyon County Provisional Vote Status Report

November 12, 2008

TAG #	Voter's Name	Vote Status	Vote Rejection Rational	Code #
A012284-001#35972	No Voter Affirmation	Rejected	Not Registered	2
A009389-001#32702	Barbara Nixon	Rejected	Not Registered	2
A009545-001#32690	Thomas Bowen	Rejected	Not Registered	2
A009545-002#32704	Stacey Dickey	Rejected	Not Registered	2
A011471-001#32710	Charles David Carson	Rejected	Not Registered	2
A011485-001#35992	No Voter Affirmation	Rejected	Not Registered	2

LYON COUNTY

DATE: November 4, 2008

Post-Election Certification
2008 General Election
Audit of Voter Verifiable Paper Trail Printers

In accordance with Chapter 293B of the Nevada Administrative Code, an audit was conducted of 6 randomly selected Edge touchscreen voting machines and the voter verifiable paper trail printer that was used with each machine. The audit was conducted as follows:

- a. For each machine selected, the voters' selections are printed on the paper tape where manually tabulated by a panel of 6 people.
- b. The electronically recorded results for each machine were independently tabulated using the election tabulation software.
- c. The results were compared.

The results of the audit showed that 100% of the time, the electronically recorded results exactly matched the selections printed on the paper tape.

The numbers of the randomly selected machines were:

Audit of Voter-Verifiable Paper Trail Printers

<u>Machine Number</u>	<u>Voters</u>
32666	19
32713	23
36008	18
36014	10
36015	19
51876	27
TOTAL:	<u>116 100%</u>

We certify this information is true and correct.

Michael M. Hue's
Signature

Yusee Adams
Signature

Cathy Brackett
Signature

Elizabeth MacFarlane
Signature

Lisa Lamm
Signature

Signature

MINERAL COUNTY

MAIL BALLOTS – Number of Mail Ballots Reject	0
MAIL BALLOTS – Reasons Why Rejected	N/A
MAIL BALLOTS – Description of Complaints Regarding Mail Ballots and Resolution	See Note 1
VOTING MACHINES – For Each Machine That Malfunctioned, List: Type of Malfunction	See Notes 2 and 3
VOTING MACHINES – For Each Machine That Malfunctioned, List: Remedy for Malfunction	See Notes 2A and 3A
VOTING MACHINES – For Each Machine That Malfunctioned; List: Length of Time Out of Service	See Notes 2B and 3B
VOTING MACHINES – For Each Machine That Malfunctioned, List: Effect on Election Process	See Notes 2C and 3C
POLLING PLACES – List Each Polling Place Not Open 7am – 7pm	None
POLLING PLACES – Reason Polling Place Not Open 7am – 7pm	n/a
PROVISIONAL BALLOTS – Number Cast and Reasons Cast	See Note 4
PROVISIONAL BALLOTS – Number Accepted and Number and Reasons Rejected	See Note 5
POST ELECTION AUDIT – Results of VVPAT POST ELECTION AUDIT (NAC 293.255)	See Note 6
CHALLENGES – Each Challenge of a Voter's Eligibility (NRS 293.303) and the Result	None

MINERAL COUNTY ADDENDUMS

NOTES

Note 1: Received one (1) complaint (by phone) that ballot contained no instructions. Voter was informed that the instructions were located at the top of the ballot. Voter stated she was a college graduate and the instructions were insufficient.

Note 2: Edge machine #32734 – card reader malfunction.

Note 3: Printer #32735 – paper jams.

Note 2A: Edge machine #32734 – machine was shut down for remainder of Early Voting period.

Note 3A: Printer #32735 – printer was replaced with extra printer.

Note 2B: Edge machine #32734 – machine was out of service for 4 days during Early Voting period.

Note 3B: Printer #32735 – printer was out of service for approximately 4 hours.

Note 2C: Edge machine #32734 – there was no known effect on voting; other machines were available.

Note 3C: Printer #32735 – printer jams may have prevented the voter from thoroughly or accurately reviewing their ballot selections on paper.

Note 4: See attached “Canvass of Provisional Votes, Mineral County, NV” log

Note 5: See attached “Canvass of Provisional Votes, Mineral County, NV” log

Note 6: See attached “Audit of Voter Verifiable Paper Trail Printers”

Post-Election Certification, Mineral County, NV
2008 GENERAL Election, November 4, 2008

Audit of Voter Verifiable Paper Trail Printers

In accordance with Chapter 293B of the Nevada Administrative Code, an audit was conducted of four randomly selected Edge touchscreen voting machines and the voter verifiable paper trail printer that was used with each machine. The audit was conducted as follows:

- a. For each machine selected, the voters' selections printed on the paper tape were manually tabulated by a panel of two people.
- b. The electronically recorded results for each machine were independently tabulated using the election tabulation software.
- c. The results were compared.

The results of the audit showed that 100 percent of the time, the electronically recorded results exactly matched the selections printed on the paper tape.

The numbers of the randomly selected machines were:

Machine Number	Votes Recorded per Tabulation Software	Votes Recorded per Paper Tape
32753	85	85
32745	55	55
32751	92	89
32752	89	89
Total Votes Recorded	321	321

We certify this information is true and correct.

Brenda Jones
Auditor's Signature

Mary Stroud
Auditor's Signature

November 10, 2008
Date of Audit

November 10, 2008
Date of Audit

**Canvass of Provisional Votes, Mineral County, NV
General Election, November 4, 2008**

Ballot # and Ballot Code (A=Machine Vote)	Reason for Request to Cast Provisional Ballot	State of Registration (per application)	County of Registration (per application)	Provisional Classification Code	Final Determination (Counted or Not Counted)
A009400001 (99)	Not listed in voter roster	NV	Mineral	2	Not Counted – No record of registration in Mineral County (NRS 293.3081 & 293.3082 and NAC 293.270)
A009400002 (99)	Not listed in voter roster	NV	Lyon	2	Not Counted – No record of registration in Mineral County (NRS 293.3081 & 293.3082 and NAC 293.270)
A011480001 (99)	Not listed in voter roster	NV	Mineral	2	Not Counted – No record of registration in Mineral County (NRS 293.3081 & 293.3082 and NAC 293.270)
A009413001 (88)	Not listed in voter roster	NV	Churchill	2	Not Counted – No record of registration in Mineral County (NRS 293.3081 & 293.3082 and NAC 293.270)
000000165 (99)	Not listed in voter roster – Voter inappropriately listed in “Cancelled” registration files	NV	Mineral	1	Counted – Voter erroneously listed in “Cancelled Voter” records
000000152 (88)	New resident (less than 30 days) – Registered to vote at DMV, Hawthorne, 10-30-08	NV	Mineral	1	Counted – (NRS 298.259)
000000161	Not listed in voter roster	NV	Lyon	2	Not Counted – No record of registration in Mineral County (NRS 293.3081 & 293.3082 and NAC

**Canvass of Provisional Votes, Mineral County, NV
General Election, November 4, 2008**

					293.270)
000000155	Not listed in voter roster	NV	Carson City	2	Not Counted – No record of registration in Mineral County (NRS 293.3081 & 293.3082 and NAC 293.270)
000000158	Not listed in voter roster	NV	Elko	2	Not Counted – No record of registration in Mineral County (NRS 293.3081 & 293.3082 and NAC 293.270)
000000166 (88)	Not listed in voter roster	WA	Spokane Valley ?	2	Not Counted – No record of registration in Mineral County (NRS 293.3081 & 293.3082 and NAC 293.270)
000000154 (88)	Not listed in voter roster	CA	Lassen	2	Not Counted – No record of registration in Mineral County (NRS 293.3081 & 293.3082 and NAC 293.270)
Unknown (# not recorded not accounted for on machines)	Not listed in voter roster	NV	Churchill	2	Not Counted – No record of registration in Mineral County (NRS 293.3081 & 293.3082 and NAC 293.270)

NYE COUNTY

MAIL BALLOTS – Number of Mail Ballots Reject	0
MAIL BALLOTS – Reasons Why Rejected	0
MAIL BALLOTS – Description of Complaints Regarding Mail Ballots and Resolution	None
VOTING MACHINES – For Each Machine That Malfunctioned, List: Type of Malfunction	#32769 Vote save failure #32768 Frozen Screen #32815 Blank Screen
VOTING MACHINES – For Each Machine That Malfunctioned, List: Remedy for Malfunction	Shut Down Restart Shut Down Restart 32815 Need repair
VOTING MACHINES – For Each Machine That Malfunctioned; List: Length of Time Out of Service	Minutes Periodically during EV Down Election Day
VOTING MACHINES – For Each Machine That Malfunctioned, List: Effect on Election Process	No Affect Some Affect Some Affect
POLLING PLACES – List Each Polling Place Not Open 7am – 7pm	None
POLLING PLACES – Reason Polling Place Not Open 7am – 7pm	n/a
PROVISIONAL BALLOTS – Number Cast and Reasons Cast	122 NR 1 No ID 123 Total
PROVISIONAL BALLOTS – Number Accepted and Number and Reasons Rejected	5 Accep. Code 1 118 Reject Code 2
POST ELECTION AUDIT – Results of VVPAT POST ELECTION AUDIT (NAC 293.255)	100% Accurate
CHALLENGES – Each Challenge of a Voter's Eligibility (NRS 293.303) and the Result	None

PERSHING COUNTY

MAIL BALLOTS – Number of Mail Ballots Reject	1
MAIL BALLOTS – Reasons Why Rejected	Intent not clear
MAIL BALLOTS – Description of Complaints Regarding Mail Ballots and Resolution	None
VOTING MACHINES – For Each Machine That Malfunctioned, List: Type of Malfunction	None
VOTING MACHINES – For Each Machine That Malfunctioned, List: Remedy for Malfunction	n/a
VOTING MACHINES – For Each Machine That Malfunctioned; List: Length of Time Out of Service	n/a
VOTING MACHINES – For Each Machine That Malfunctioned, List: Effect on Election Process	n/a
POLLING PLACES – List Each Polling Place Not Open 7am – 7pm	None
POLLING PLACES – Reason Polling Place Not Open 7am – 7pm	n/a
PROVISIONAL BALLOTS – Number Cast and Reasons Cast	0
PROVISIONAL BALLOTS – Number Accepted and Number and Reasons Rejected	n/a
POST ELECTION AUDIT – Results of VVPAT POST ELECTION AUDIT (NAC 293.255)	100% Accurate
CHALLENGES – Each Challenge of a Voter's Eligibility (NRS 293.303) and the Result	None

STOREY COUNTY

MAIL BALLOTS – Number of Mail Ballots Reject	0
MAIL BALLOTS – Reasons Why Rejected	None
MAIL BALLOTS – Description of Complaints Regarding Mail Ballots and Resolution	None
VOTING MACHINES – For Each Machine That Malfunctioned, List: Type of Malfunction	Card reader malfunctioned
VOTING MACHINES – For Each Machine That Malfunctioned, List: Remedy for Malfunction	Placed the Edge in manual mode
VOTING MACHINES – For Each Machine That Malfunctioned; List: Length of Time Out of Service	None
VOTING MACHINES – For Each Machine That Malfunctioned, List: Effect on Election Process	Slowed the voting process
POLLING PLACES – List Each Polling Place Not Open 7am – 7pm	None
POLLING PLACES – Reason Polling Place Not Open 7am – 7pm	n/a
PROVISIONAL BALLOTS – Number Cast and Reasons Cast	9
PROVISIONAL BALLOTS – Number Accepted and Number and Reasons Rejected	5 Accepted 4 Rejected, voters were not registered to vote in Nevada
POST ELECTION AUDIT – Results of VVPAT POST ELECTION AUDIT (NAC 293.255)	100% Accurate
CHALLENGES – Each Challenge of a Voter's Eligibility (NRS 293.303) and the Result	None

WASHOE COUNTY

MAIL BALLOTS – Number of Mail Ballots Reject	2108
MAIL BALLOTS – Reasons Why Rejected	See attached
MAIL BALLOTS – Description of Complaints Regarding Mail Ballots and Resolution	Did not receive ballot faxed ballot
VOTING MACHINES – For Each Machine That Malfunctioned, List: Type of Malfunction	See Attached
VOTING MACHINES – For Each Machine That Malfunctioned, List: Remedy for Malfunction	See Attached
VOTING MACHINES – For Each Machine That Malfunctioned; List: Length of Time Out of Service	No info provided by pollworkers
VOTING MACHINES – For Each Machine That Malfunctioned, List: Effect on Election Process	No effect
POLLING PLACES – List Each Polling Place Not Open 7am – 7pm	None
POLLING PLACES – Reason Polling Place Not Open 7am – 7pm	n/a
PROVISIONAL BALLOTS – Number Cast and Reasons Cast	915 total
PROVISIONAL BALLOTS – Number Accepted and Number and Reasons Rejected	423 accepted; 492 not counted, reasons 2,3 and 5
POST ELECTION AUDIT – Results of VVPAT POST ELECTION AUDIT (NAC 293.255)	100% accurate compared 32 Edge machines/1721 audited copies
CHALLENGES – Each Challenge of a Voter's Eligibility (NRS 293.303) and the Result	One challenge- result unknown

Washoe County

Edge Issue

Repair Done

32918	"not operational"	fuse replaced
33000	problem not known	no trouble found during repairs
33040	"DOA would not accept votes"	no trouble found during repairs
33074	problem not known	no trouble found during repairs
33080	problem not known	no trouble found during repairs
33088	"not operational"	inverter board replaced
33092	"not operational"	no trouble found during repairs
33104	Red light - wont charge	12 volt batteries replaced
33105	problem not known	no trouble found during repairs
33106	problem not known	no trouble found during repairs
33189	problem not known	no trouble found during repairs
33208	Touch screen inop, V VPAT rubber stop missing	Wires moved, stopper replaced, casing blemish removed
33230	"never used"	no trouble found during repairs
33362	"not working during election"	no trouble found during repairs
33372	"never used"	no trouble found during repairs
33444	"machine screen malfunction"	inverter board replaced
33553	Red light - wont charge	12 volt batteries replaced
33585	problem not known	no trouble found during repairs
33636	problem not known	inverter board replaced
33689	"never used"	no trouble found during repairs
33701	problem not known	no trouble found during repairs
33721	"printer error"	12 volt batteries replaced
33731	screen frozen	no trouble found during repairs
33841	"machine died"	no trouble found during repairs
33851	problem not known	no trouble found during repairs
36088	Damaged Casing	top casing replaced
36088	legs broken	legs replaced
51814	Top handle broken	handle replaced
51832	"fault 6"	Julie from Sequoia reviewing this error

Mail Ballots – Reasons rejected
Deceased, did not return ballot, mail undeliverable, moved out of county, no ID provided, no signature, signature mismatches, surrendered ballot, received after election

WHITE PINE COUNTY

MAIL BALLOTS – Number of Mail Ballots Reject	9
MAIL BALLOTS – Reasons Why Rejected	Received late
MAIL BALLOTS – Description of Complaints Regarding Mail Ballots and Resolution	None
VOTING MACHINES – For Each Machine That Malfunctioned, List: Type of Malfunction	0
VOTING MACHINES – For Each Machine That Malfunctioned, List: Remedy for Malfunction	0
VOTING MACHINES – For Each Machine That Malfunctioned; List: Length of Time Out of Service	0
VOTING MACHINES – For Each Machine That Malfunctioned, List: Effect on Election Process	No effect
POLLING PLACES – List Each Polling Place Not Open 7am – 7pm	None
POLLING PLACES – Reason Polling Place Not Open 7am – 7pm	n/a
PROVISIONAL BALLOTS – Number Cast and Reasons Cast	5
PROVISIONAL BALLOTS – Number Accepted and Number and Reasons Rejected	5
POST ELECTION AUDIT – Results of VVPAT POST ELECTION AUDIT (NAC 293.255)	100% Accurate
CHALLENGES – Each Challenge of a Voter's Eligibility (NRS 293.303) and the Result	None